

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE:

**JON CHRISTOPHER EVANS
AND JOINTLY ADMINISTERED
RELATED CASES**

Case No. 09-03763-NPO

DEBTORS

Chapter 7

G&B INVESTMENTS, INC.

PLAINTIFF

VS.

ADV. PROC. NO. 10-00040-NPO

**DEREK A. HENDERSON, TRUSTEE
FOR THE BANKRUPTCY ESTATE OF
JOHN CHRISTOPHER EVANS, ET AL**

DEFENDANTS

**OBJECTION TO BANK OF FOREST'S
MOTION FOR ENLARGMENT OF TIME FOR
RESPONSES/REPLIES TO DISPOSITIVE MOTIONS**

Mississippi Valley Title Insurance Company and Old Republic National Title Insurance Company (the "Title Companies") file this objection to the Bank of Forest's (the "Bank") Motion for an Enlargement of Time for Responses/Replies to Dispositive Motions [Dkt. No. 295] and, in support thereof, shows unto the Court as follows:

1. Although the Title Companies would not generally object to a reasonable request for additional time, the circumstances of this case evidence that the Bank of Forest's request for additional time is not reasonable and may, in fact, be prejudicial.

2. Based on the orders of this Court and the statements of this Court at hearings and status conferences, all parties to this matter are well-aware of the dispositive motion deadlines in this case.

3. Given these rulings and the fact that the trial of this matter is scheduled for February 28, 2011, the Title Companies object to any extensions of time for responding to any dispositive motions. Further, the Title Companies object to any extensions of time which may impact this Court's time in considering the dispositive motions now before the Court. Such an impact may be prejudicial to the Title Companies.

4. This Court first entered a scheduling order on July 24, 2010 [Dkt. No. 20] (the "Scheduling Order"), which set the dispositive motion deadline in this case for December 15, 2010. The Scheduling Order set the response date for dispositive motions for January 3, 2011 and the reply date for January 11, 2011. All parties to this action agreed to the Scheduling Order. The Scheduling Order also set the trial of this matter for February 28, 2011.

5. The Court amended the Scheduling Order as to filing certain answers, counter-claims and cross-claims on August 23, 2010 [Dkt. No. 51] (the "First Amended Scheduling Order"). The First Amended Scheduling Order did not change or modify the dispositive motion deadlines. Rather, the First Amended Scheduling Order stated that "all other deadlines set forth in the Scheduling Order remain the same." [Dkt. No. 51].

6. On the motion of G&B Investments, Inc. and the joinder by Bank of Forest, this Court again amended the Scheduling Order on November 19, 2010 to provide additional time for the completion of discovery. [Dkt. No. 243] (the "Second Amended Scheduling Order"). In the Second Amended Scheduling Order, the Court extended the deadline for the parties to file dispositive motions to December 22, 2010. The Court did not, however, extend the response or reply deadlines. The Court stated "[a]ny and all responses to dispositive motions shall be filed on or before January 4, 2011. Any and all replies to dispositive motions shall be filed on or before January 11, 2011." [Dkt. No. 243, p. 2].

7. On the motion of G&B Investments, Inc., the Court amended the Scheduling Order on December 20, 2010 to provide the parties with additional time to complete expert discovery. [Dkt. No. 268] (the “Third Amended Scheduling Order”). The Court did not modify or change any deadlines with regard to dispositive motions. In fact, the Court stated in the Third Amended Scheduling Order that “[a]ll other deadlines shall remain in effect. (NPO)” [Dkt. No. 268].

8. Additionally, this Court has stated on numerous occasions at hearings in this matter that the final date for all responses and replies to be filed with this Court (January 11, 2011) would not be extended because the Court needs sufficient time to consider and rule on all dispositive motions.

9. This Court has made clear that the dispositive motion deadline would not be extended. All parties were aware of and should have planned accordingly to the deadlines imposed by this Court.

FOR THESE REASONS, the Title Companies respectfully request that this Court deny the Bank of Forest’s Motion for an Enlargement of Time for Responses/Replies to Dispositive Motions [Dkt. No. 295] and grant any additional relief deemed appropriate by this Court.

RESPECTFULLY SUBMITTED, this the 27th day of December 2010.

MISSISSIPPI VALLEY TITLE INSURANCE
COMPANY and OLD REPUBLIC TITLE
INSURANCE COMPANY

BY: /s/ M. Scott Jones

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing has been served by electronic filing through the ECF System, which provides electronic notice to all parties of record, including the following:

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This the 27th day of December, 2010.

/s/ M. Scott Jones
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